

COMMON COUNCIL MEETING MINUTES

MONDAY, AUGUST 21, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members, Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:00 p.m.

Pastor Al Goertemiller, Pilgrim Lutheran Church, pronounced the Invocation.

Mayor Brainard led the pledge of allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the August 7, 2006 Regular Meeting. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 7-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

The following individuals spoke in opposition to Ordinance Z-493-06 (Gramercy):

Henry Winkler	411 Jenny Lane, Carmel, IN
Bob Battreall (attachment 1)	1319 Cook Creek Drive, Carmel, IN
John Sullivan (attachment 2)	862 Enclave Circle, Carmel, IN
Angie Molt	740 W. Auman Drive, Carmel, IN
Phil Squire (attachment 3)	1315 Lawrence Road, Carmel, IN
Nyla Johnson	317 Concord Lane, Carmel, IN
Karen Carter (attachment 4)	918 E. Auman Drive, Carmel, IN
Fiona O'Connor	1330 Fairbanks Drive, Carmel, IN
Eric Seidensticker	612 Ash Drive, Carmel, IN
Pat Truelove (attachment 5)	730 W. Auman Drive, Carmel, IN
Hilary Woodcock	506 Ash Drive, Carmel, IN
Bruce Braden (attachment 6)	915 Oswego Road, Carmel, IN
Dr. Robert Hartman	581 Melark Drive, Carmel, IN
Curt Waters	724 E. Auman Drive, Carmel, IN
Mary Lou Waters (attachment 7)	724 E. Auman Drive, Carmel, IN

Marilyn Mesh (attachment 8)	10918 Timber Lane, Carmel, IN
Jennifer Kost Barker	819 W. Auman Drive, Carmel, IN
Barry Reynolds	132 Ute Drive, Carmel, IN
David Springer	603 Kinzer Avenue, Carmel, IN
Susan McBeath	584 Melark Drive, Carmel, IN
David Allen	1410 Lawrence Road, Carmel, IN
Doran Ellis (attachment 9)	924 W. Auman Drive, Carmel, IN
Elizabeth Grossman	11201 Westfield Blvd., Carmel, IN

The following individuals spoke in favor of Ordinance Z-493-06 (Gramercy)

Tom Megenhardt	11938 Eastwich Circle, Carmel, IN
Dick Teeters (attachment 10)	559 Hunters Drive East, Carmel, IN

The following individuals spoke in opposition to Ordinance Z-495-06 (Aramore)

Marilyn Knight	10111 Hillsdale Drive, Carmel, IN
Pat Franz	9990 Holiday Drive, Carmel, IN

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

There were none.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$1,889,882.45. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The claims were approved 7-0.

COMMITTEE REPORTS:

Councilor Rattermann reported that the Finance, Administration and Rules Committee met on Thursday, August 17, 2006 and discussed Ordinance D-1814-06, Ordinance D-1818-06 and Ordinance D-1819-06. Councilor Rattermann will give his report when the items come up on the agenda.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on Thursday, August 10, 2006 and discussed Ordinance Z-493-06, Ordinance Z-494-06 and Ordinance Z-495-06. Councilor Glaser will give his report when the items come up on the agenda.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next meeting will be held on Tuesday, September 12, 2006 at 3:00 p.m.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee met on Monday, August 14, 2006 and discussed Ordinance D-1817-06, Ordinance D-1820-06 and Ordinance D-1821-06 which were all sent with a favorable recommendation to the full Council

OLD BUSINESS

Council President Sharp announced the **Second Reading of Ordinance D-1814-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Supplementing and Amending Ordinance No. D-1735-04, Adopted by the Common Council on December 20, 2004, Authorizing the Issuance of Waterworks Revenue Bonds, and the Issuance of Bond Anticipation Notes for the Purpose of Financing the Construction of Additions and Improvements to the Carmel Waterworks (\$35,000,000). Councilor Rattermann reported that this item was sent with a 2-0 favorable recommendation to the full Council from the Finance committee. Councilor Mayo made a motion to approve Ordinance D-1814-06. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1814-06** was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance D-1817-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting and Adding Chapter 8, Article 5, Section 8-47(a)(29) to the Carmel City Code (No Parking Area). Councilor Carter offered an amended version to the Council. In the title of the ordinance, delete (a)(29) after Section 8-47, add *Subsections 8-47(a)(29) and (30)* after Section 8-47, under **Section 2**, change (29) to read: *On either side of 1st Street N.W. from the Monon Greenway west to 3rd Avenue N.W., add (30) On the north side of 1st Street N.W. from the Monon Greenway east to Range Line Road.* Councilor Kirby seconded. There was brief Council discussion. Council President Sharp called for the question. The motion to approve the amended version was approved 7-0. Councilor Mayo made a motion to approve Ordinance D-1817-06, As Amended. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1817-06, As Amended** was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance D-1818-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Meal Expense Advances, Adding Chapter 2, Article 3, Division III, Section 2-64 to the Carmel City Code (Meal Expense Advances). Councilor Rattermann reported that this item was sent with a 2-0 favorable recommendation to the full Council from the Finance committee. There was no Council discussion. Councilor Kirby left the chamber. Councilor Mayo made a motion to approve Ordinance D-1818-06. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1818-06** was adopted 6-0.

Councilor Kirby returned to the chamber.

Council President Sharp announced the **Second Reading of Ordinance D-1819-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division III, Section 2-61 of the Carmel City Code (Reimbursement Policy for Travel and Related Expenses). Councilor Rattermann offered amended VERSION A - 8/18/06 to the Council. The amendment was to add to Non-reimbursable Expenses (e) *(11) Travel life insurance policies*. Councilor Glaser seconded. There was brief Council discussion. Council President Sharp called for the question. The motion to accept

1 amended VERSION A - 8/18/06 was approved 7-0. Councilor Mayo made a motion to approve
2 Ordinance D-1819-06, As Amended. Councilor Griffiths seconded. There was no Council discussion.
3 Council President Sharp called for the question. **Ordinance D-1819-06, As Amended,**
4 VERSION A - 8/18/06, was adopted 7-0.
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6 Council President Sharp announced the **Third Reading of Ordinance Z-493-06**; An Ordinance of the
7 Common Council of the City of Carmel, Indiana, Establishing the Gramercy Planned Unit Development
8 District. Councilor Glaser reported that this item was sent with a vote of 2-2 from the Land Use
9 committee to the full Council. Council President Sharp referred to David Leazenby, Buckingham
10 Companies, 333 N. Pennsylvania Street, 10th Floor, Indianapolis, IN 46204 who presented legal
11 commitments to the Council. There was extensive Council discussion. Jim Shinaver, Attorney, Nelson &
12 Frankenberger, 3105 E. 98th Street, Suite 170, Indianapolis, IN addressed the Council. Councilor Kirby
13 made a motion to approve Ordinance Z-493-06. Councilor Griffiths seconded. Council President Sharp
14 called for the question. **Ordinance Z-493-06** was adopted 5-2 (Councilors Glaser and Rattermann
15 opposed).
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17 Council President Sharp called a five minute recess.
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19 Council President Sharp announced the **Second Reading of Ordinance Z-494-06**; An Ordinance of the
20 Common Council of the City of Carmel, Indiana, Rezoning of Brunson & Company, LLC Real Estate
21 from R-3 (Residential) to B-5 (Business) Zoning Classification (1003 E. 106th Street, Indianapolis, IN
22 46280). Councilor Glaser reported to Council that this item was sent with a 4-0 favorable
23 recommendation from the Land Use committee to the full Council. Councilor Kirby made a motion to
24 approve Ordinance Z-494-06. Councilor Griffiths seconded. There was no Council discussion. Council
25 President Sharp called for the question. **Ordinance Z-494-06** was adopted 7-0.
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27 Council President Sharp announced the **Third Reading of Ordinance Z-495-06**; An Ordinance of the
28 Common Council of the City of Carmel, Indiana, Establishing the Aramore Planned Unit Development
29 District. Councilor Glaser reported to Council that this item was sent with a 3-0 favorable
30 recommendation from the Land Use committee to the full Council. Steve Pittman, Pittman Partners,
31 presented legal commitments to the Council. Councilor Kirby made a motion to approve the legal
32 commitments pending Mr. Pittman's recording of the document. Councilor Griffiths seconded. There
33 was brief Council discussion. Doug Haney, City Attorney, addressed Council for clarification of
34 Councilor Kirby's motion. There was brief Council discussion. Councilor Kirby changed his motion to
35 be contingent upon Mr. Pittman recordation of the commitments. Council President Sharp called for the
36 question. **Ordinance Z-495-06** was adopted 7-0.
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38 PUBLIC HEARINGS

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40 **Second Reading of Ordinance D-1820-06**; An Ordinance of the Common Council of the City of Carmel,
41 Indiana, Vacating a Portion of Public Right-Of-Way (Rangeline Road and City Center Drive, Parcel #5);
42 Sponsor: Councilor Carter. This item was not discussed.
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44 Council President Sharp announced the **Second Reading of Ordinance D-1821-06**; An Ordinance of the
45 Common Council of the City of Carmel, Indiana, Vacating a Portion of Public Right-Of-Way (Rangeline
46 Road and Main Street, Parcel #12). Council President Sharp opened the Public Hearing at 8:52 p.m.
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Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 8:52:30 p.m. Councilor Carter made a motion to approve Ordinance D-1821-06. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1821-06** was adopted 7-0.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-1824-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 9, Section 8-120 of the Carmel City Code, Establishing Certain Stop and Yield Signs. Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded. Council President Sharp passed the gavel to Councilor Glaser to present this item to Council. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Griffiths seconded. Councilor Glaser called for the question. The motion was approved 7-0. There was no Council discussion. Councilor Sharp made a motion to approve Ordinance D-1824-06. Councilor Griffiths seconded. Councilor Glaser called for the question. **Ordinance D-1824-06** was adopted 7-0.

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced the **First Reading of Ordinance D-1825-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting and Adding Chapter 8, Article 5, Section 8-49 of the Carmel City Code (Thirty Minute Parking). Councilor Carter made a motion to move this item into business. Councilor Griffiths seconded. Councilor Carter presented this item to Council. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Griffiths seconded. There was brief Council discussion. Council President Sharp called for the question on the motion. The motion was approved 7-0. Councilor Kirby made a motion to approve Ordinance D-1825-06. Councilor Mayo seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1825-06** was adopted 7-0.

Council President Sharp announced **Resolution CC-08-21-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Designating Block Seven in the Carmel Science & Technology Park as an Economic Revitalization Area (Midwest Independent Transmission System Operator). Councilor Carter made a motion to move this item into business. Councilor Mayo approved. Council President Sharp referred to Larry Gigerich, Ginovus, 8888 Keystone Crossing, Suite 1450, Indianapolis, IN for a presentation to Council. There was brief Council discussion. Councilor Mayo made a motion to approve Resolution CC-08-21-06-02. Councilor Griffiths seconded. Council President Sharp called for the question. **Resolution CC-08-21-06-02** was adopted 7-0.

OTHER BUSINESS

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This item was not discussed.

ANNOUNCEMENTS

There were none.

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